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*Attorneys for Maricopa County, Sheriff Paul Penzone,  
Dimas, Hawkins, Hertig, Martin, Montano, Moody,  
Park, Smith, Chester, Rainey, and Marsland*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Debra Morales Ruiz, An Individual, For  
Herself And On Behalf Of And As  
Pending Personal Representative Of The  
Estate Of Alexander Chavez; Alex George  
Chavez, An Individual,

Plaintiff,

v.

County Of Maricopa, A Governmental  
Entity; Maricopa County Sheriff's Office,  
A Governmental Entity; Maricopa County  
Correctional Health Services, A  
Governmental Entity; Brandon Smith And  
Jane Doe Smith; Paul Penzone, And Jane  
Doe Penzone; Thomas Tegeler And Jane  
Doe Tegeler; Kyle Moody And Jane Doe  
Moody; Arturo Dimas And Jane Doe

No. \_\_\_\_\_

**NOTICE OF REMOVAL OF MARICOPA  
COUNTY SUPERIOR COURT CASE NO.  
CV2023-012042 TO THE UNITED STATES  
DISTRICT COURT**

Dimas; Tyler Park And Jane Doe Park;  
Gerardo Magat And Jane Doe Magat;  
Daniel Hawkins Jr. And Jane Doe  
Hawkins; Javier Montano And Jane Doe  
Montano; James Dailey And Jane Doe  
Dailey; Trevor Martin And Jane Doe  
Martin; Gregory Hertig And Jane Doe  
Hertig; John Chester And Jane Doe  
Chester; Jorge Espinosa Jr. And Jane Doe  
Espinosa; Morgan Rainey And Jane Doe  
Rainey; Stefanie Marsland And John Does  
Marsland; And John And Jane Does 1-140

Defendants

Defendant Maricopa County Sheriff's Office, Sheriff Paul Penzone, Brent Williams, Jonhatan Franco, Jeffrey Scott by and through undersigned counsel and pursuant to 28 U.S.C. §§1441(c), §1446(a-b), and Rule 3.6, Rules of Practice of the United States District Court for the District of Arizona, notices the removal of the above-captioned case, cause number CV2023-009685, from the Arizona Superior Court, Maricopa County, to this Court, and in support of removal asserts the following:

1. On or about June 27, 2023, Plaintiff filed a Complaint against Defendant in the Superior Court of the State of Arizona for the County of Maricopa under the caption Debra Morales Ruiz v. Maricopa County, et al., *No.* CV2023-012042. A copy of the Complaint, and all other documents previously filed in this matter and served on Defendant are attached hereto within Exhibit "B". (Exhibit "A" is the Civil Cover Sheet.).

2. The Complaint was served on Maricopa County on October 30, 2023, Defendants Penzone, Dimas, Hawkins, Hertig, Martin, Montano, Moody, Park, and Smith

1 were served on October 31, 2023, and Defendants Chester, Rainey, and Marsland were  
2 served on November 21, 2023. The remaining Defendants have yet to be properly served.

3  
4 3. This Notice of Removal is being filed within 30 days after service of the  
5 Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).

6  
7 4. The lawsuit filed in Maricopa County, among other claims, alleges the  
8 violation of Plaintiff's civil rights and is brought under 42 U.S.C. § 1983 for violations of  
9 the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution.

10  
11 5. By reason of the above facts, (a) the United States District Court has original  
12 jurisdiction of this civil action pursuant to 28 U.S.C. § 1441(c). All served Defendants  
13 consent to the removal of this action.

14  
15 6. A Notice of Filing of Notice of Removal, a true and correct copy of which is  
16 attached as Exhibit "C," has been filed in the Arizona Superior Court, County of Maricopa.

17 WHEREFORE, Defendants respectfully request that the above action now  
18 pending in the Arizona Superior Court, Maricopa County, be removed to this Court  
19  
20 RESPECTFULLY SUBMITTED on this 29<sup>th</sup> day of November 2023.

21  
22 RACHEL H. MITCHELL  
23 MARICOPA COUNTY ATTORNEY

24 By: /s/Courtney R. Glynn  
25 COURTNEY R. GLYNN  
26 MICHAEL E. GOTTFRIED  
27 Deputy County Attorneys  
28 *Attorneys for Maricopa County, Sheriff Paul  
Penzone, Dimas, Hawkins, Hertig, Martin,  
Montano, Moody, Park, Smith, Chester,  
Rainey, and Marsland*

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2023, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Clerk of the Court  
United States District Court  
Sandra Day O'Connor U.S. Courthouse  
401 W. Washington Street  
Phoenix, AZ 85003-2161

Sean A. Woods  
Robert T. Mills  
MILLS + WOODS LAW, PLLC  
5055 North 12<sup>th</sup> Street, Suite 101  
Phoenix, AZ 85014  
*Attorneys for Plaintiff*

/s/ S.R.

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